468. Adulteration and misbranding of Petrodine and Special Formula No. 2389 Ampoules; misbranding of Klorseptic Oil and Klorseptic Ointment. U. S. v. Howard D. Day (High Chemical Co.). Plea of guilty. Fine, $400. (F. D. C. No. 2886. Sample Nos. 10266–E, 69883–D, 69890–D, 77846–D.)

On April 18, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against Howard D. Day, trading as the High Chemical Co. at Philadelphia, Pa., alleging shipment within the period from on or about January 12 to on or about February 14, 1940, from the State of Pennsylvania into the States of New York and New Jersey of quantities of the above-named products of which portions were adulterated and misbranded and the remainder was misbranded. The Petrodine was labeled in part: "Petrodine * * * Mineral Oil with Iodine * * * Prepared only by Iodine Products Co. * * * Philadelphia, Pa."

The Petrodine was alleged to be adulterated in that its strength differed from and its quality or purity fell below that which it purported or was represented to possess, in that it was represented to contain 0.2 grain of elementary iodine per fluid ounce; whereas it contained not more than 0.09 grain of elementary iodine per fluid ounce. It was alleged to be misbranded in that the statement "* * * containing 0.2 gr. elementary iodine to the fluid ounce," borne on the label, was false and misleading.

The Special Formula No. 2389 Ampoules were alleged to be adulterated in that their strength differed from and their quality or purity fell below that which they purported or were represented to possess, in that the contents of each of the ampuls was represented to consist of a solution containing 1 grain of lecithin per cubic centimeter; whereas the contents of each ampul contained not more than 0.338 grain of lecithin per cubic centimeter. The article was alleged to be misbranded in that the statement "Ampoules * * * Lecithin * * * 1 gr. * * * 1 cc," on the box label, was false and misleading.

Analysis of a sample of the Klorseptic Oil showed that it consisted essentially of a semi-viscous oil having the odor of eucalyptus oil and containing an organic chloride; and that it contained no free chlorine.

The Klorseptic Oil was alleged to be misbranded: (1) In that the statements "Klorseptic Oil is a * * * Chlorinated topical dressing * * * containing approximately 25% chlorine," appearing in the labeling, were misleading since it contained no free chlorine. (2) In that the following statements in the labeling, "Useful as a topical dressing in burns, infected wounds, both superficial and deep, Otitis Media, and skin lesions," were false and misleading since they represented that it would be efficacious as a topical dressing in burns, infected wounds, both superficial and deep, and that it would be efficacious as an adequate treatment of otitis media and skin lesions; whereas it would not be efficacious for such purposes.

Examination of a sample of Klorseptic Ointment showed that it was an amber-colored ointment having a eucalyptus odor; analysis showed that it contained no free chlorine. It was alleged to be misbranded in that the following statements in the labeling, "Useful in some forms of wounds, lacerations, abrasions, burns and wherever topical dressing is indicated," were false and misleading since they represented that it would be useful in the treatment of wounds, lacerations, abrasions, burns, and wherever a topical dressing is indicated; whereas it would not be useful in the treatment of some forms of wounds, lacerations, abrasions, burns or wherever a topical dressing is indicated.

On May 21, 1941, the defendant entered a plea of guilty and the court imposed a fine of $400.

469. Adulteration and misbranding of mercurochrome. U. S. v. Max Mirkis (Southeastern Chemical Co. and Carolina Vinegar Co.). Plea of nolo contendere. Fine, $50. (F. D. C. No. 2904. Sample No. 20554–E.)

On January 2, 1941, the United States attorney for the Southern District of Florida filed an information against Max Mirkis, trading as the Southeastern Chemical Co. and Carolina Vinegar Co. at Jacksonville Fla., alleging delivery, on or about February 9, 1940, for introduction in interstate commerce from the State of Florida into the State of Georgia of a quantity of mercurochrome that was adulterated and misbranded. It was labeled in part: "Mercurochrome 2% Solution H. W. & D. SCC * * * Prepared from Genuine Mercurochrome."

The article was alleged to be adulterated in that its strength differed from or its quality fell below that which it purported to possess in that it was represented to contain 2 percent of mercurochrome; whereas it contained not more than 1.21 percent of mercurochrome. It was alleged to be misbranded in that

the statement "Mercurochrome 2% Solution," appearing on the label, was false and misleading.

On January 13, 1941, the defendant entered a plea of nolo contendere and the court imposed a fine of $50.

470. Adulteration and misbranding of barbital tablets, cough tablets, conjunctivitis tablets, and equine worm powder; misbranding of eye ointment. U. S. v. Lloyd M. Curts and Charles D. Folse (Curts-Folse Laboratories). Pleas of guilty. Fine, $1 and costs. (F. D. C. No. 2861. Sample Nos. 4466-E, 4467-E, 4468-E, 16018-E, 16739-E.)

All of these veterinary products contained smaller amounts of certain ingredients than those declared on their labels. Furthermore, the labels of the cough tablets, the conjunctivitis tablets, the eye ointment, and the equine worm powder contained false and misleading representations regarding their efficacy in the treatment of certain diseases of animals.

On January 10, 1941, the United States attorney for the District of Kansas filed an information against Lloyd M. Curts and Charles D. Folse, trading as Curts-Folse Laboratories at Kansas City, Kans., alleging shipment on or about August 29 and November 29, 1939, from the State of Kansas into the State of Illinois of a quantity of barbital tablets, cough tablets, and conjunctivitis tablets that were adulterated and misbranded, and on or about October 6, 1939, and February 26, 1940, from the State of Kansas into the State of Oklahoma of a quantity of eye ointment that was misbranded and of equine worm powder that was both adulterated and misbranded.

The articles were labeled in part: "Barbital Tablets 1½ grs. Cu-Fo Dose Dogs and Cats 1½ to 10 grains"; "Cough Tablets Small Animals Ammon Chloride 1 gr. * * * Dose Dogs and Cattle"; "Conjunctivitis Tablets No. 1 Contains Boric Acid ½ gr. Salicylic Acid 2 grs. Zinc Sulphate 1 gr. * * * for eye wash"; "Eye Ointment * * * Distributed by Barber and Cochran * * * Oklahoma City, Okla."; "Equine Worm Powder Contains * * * Arsenic 2%."

The barbital tablets were alleged to be adulterated in that their strength differed from that which they purported or were represented to possess in that each of said tablets was represented to contain 1½ grains of barbital; whereas each tablet contained not more than 1.18 grains of barbital. They were alleged to be misbranded in that the statement "Barbital Tablets 1½ grs.," borne on the bottle label, was false and misleading since each of the tablets did not contain 1½ grains of barbital but did contain a smaller amount.

Analysis of a sample of the cough tablets showed that they consisted essentially of ammonium chloride (0.76 grain per tablet) and extracts of plant material, including licorice. They were alleged to be adulterated in that their strength differed from that which they purported or were represented to possess in that each of said tablets was represented to contain 1 grain of ammonium chloride; whereas each tablet contained less than 1 grain, namely, not more than 0.76 grain of ammonium chloride. They were alleged to be misbranded in that the statement "Tablets * * * Contain Ammon Chloride 1 gr.," borne on the bottle label, was false and misleading since each of the tablets did not contain 1 grain of ammonium chloride but did contain a smaller amount. They were alleged to be misbranded further in that the statement "Cough Tablets * * * Cattle," borne on the bottle label, was false and misleading since the tablets would not be efficacious in the treatment of coughs in cattle.

Analysis of a sample of the conjunctivitis tablets showed that each of them consisted essentially of boric acid (0.45 grain), salicylic acid (1.48 grains), zinc sulfate (0.73 grain), and methylene blue. They were alleged to be adulterated in that their strength differed from that which they purported or were represented to possess in that each of said tablets was represented to contain ½ grain of boric acid, 2 grains of salicylic acid, and 1 grain of zinc sulfate; whereas each of said tablets contained not more than 0.45 grain of boric acid, not more than 1.48 grains of salicylic acid, and not more than 0.73 grain of zinc sulfate. They were alleged to be misbranded in that the statement "Tablets * * * Contains Boric Acid ½ gr. Salicylic Acid 2 grs. Zinc Sulfate 1 gr.," borne on the bottle label, was false and misleading since each of said tablets contained less than ½ grain of boric acid, less than 2 grains of salicylic acid, and less than 1 grain of zinc sulfate. They were alleged to be misbranded further in that the statement "Conjunctivitis," borne on the bottle label, was false and misleading since said drug would not be efficacious in the treatment of conjunctivitis.